

Notice of Allowability

Application No.

10/056,471

Examiner

Nicholas D. Rosen

Applicant(s)

ECKERT ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's agreement to an Examiner's Amendment, February 16, 2007.
2. ☒ The allowed claim(s) is/are 1-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

DETAILED ACTION

Claims 1-53 have been examined.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Roxana Yang on February 16, 2007.

The application has been amended as follows:

In the twenty-first line of claim 1 (part (d)(3)), "trading partner;" is hereby amended to "trading partner, said pricing information including a fixed price provided by said at least one qualified trading partner;".

In the eighteenth line of claim 20 (part (d)), "trading partner;" is hereby amended to "trading partner, said pricing information including a fixed price provided by said at least one qualified trading partner;".

In the nineteenth line of claim 21 (part (b)(3)), "trading partner;" is hereby amended to "trading partner, said pricing information including a fixed price provided by said at least one qualified trading partner;".

In the twenty-second line of claim 37 (part (d)(3)), "trading partner;" is hereby amended to "trading partner, said pricing information including a fixed price provided by said at least one qualified trading partner;".

In the twentieth line of claim 42 (part (d), "trading partner;" is hereby amended to "trading partner, said pricing information including a fixed price provided by said at least one qualified trading partner;".

In the twentieth line of claim 43 (part (d)(3)), "trading partner;" is hereby amended to "trading partner, said pricing information including a fixed price provided by said at least one qualified trading partner;".

Allowable Subject Matter

Claims 1-19 and 48 are allowed.

Claims 37-41 and 51 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Silverman et al. (U.S. Patent 5,136,501), discloses a method for providing highly automated procurement services, comprising the steps of: (a) accessing a database initialized with information regarding a plurality of trading partners (column 3, lines 18-60): (1) said plurality of trading partners including customer and non-customer trading partners (buyers and sellers); (2) said information including trading relationship information and pricing information involving at least a customer trading partner and another of said trading partners (ibid.; also, column 6, line 31, through column 7, line 2); (b) receiving a purchase request of a first trading partner

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among said trading partners (column 6, line 31, through column 7, line 2); (c) automatically selecting at least one qualified trading partner among said trading partners based on said purchase request (column 6, line 31, through column 7, line 13); (d) generating a purchase order based on (1) a portion of said trading relationship information and pricing information pertaining to said at least one qualified partner; (2) said purchase request; (3) without requiring direct communication between said first trading partner and said at least one qualified trading partner (ibid.; and column 7, lines 13-20); (e) forwarding said purchase order to at least one qualified trading partner; and (f) receiving a notification pertaining to said at least one qualified trading partner (column 9, lines 26-33). Silverman does not expressly disclose (g) automatically processing said notification, including forwarding said notification to the first trading partner, but Giovannoli (U.S. Patent 5,758,328) teaches (g) automatically processing notification, including forwarding notification to the first trading partner (column 5, line 58, through column 6, line 11).

Silverman does not disclose generating a purchase order without revealing the price information to the first trading partner, but Lupien (U.S. Patent 5,689,652) teaches a method of matching purchase requests to sellers, and automatically selecting at least one qualified trading partner without revealing pricing information of the at least one qualified trading partner to the first trading partner (Abstract; column 4, lines 6-26). However, Lupien teaches a satisfaction density profile that represents a degree of satisfaction to trade a particular instrument at various combinations of price and quantity. Lupien does not teach that the pricing information includes a fixed price

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provided by said at least one qualified trading partner. It is of course well known for pricing information to include a fixed price provided by a trading partner, but not in the context of a method for procurement where the pricing information is not revealed to the other trading partner. No prior art of record teaches this.

The above has been set forth with particular reference to claim 1, but claim 37 is closely parallel, reciting logic code for implementing the method steps of claim 1; claim 37 and its dependents are therefore allowed on the same grounds.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 20 and 49 are allowed.

Claims 42 and 52 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Silverman et al. (U.S. Patent 5,136,501), discloses a method for providing highly automated procurement services, comprising the steps of: (a) accessing a database initialized with information regarding a plurality of trading partners (column 3, lines 18-60): (1) said plurality of trading partners including customer and non-customer trading partners (buyers and sellers); (2) said information including trading relationship information and pricing information involving at least a customer trading partner and another of said trading partners (ibid.; also, column 6, line 31,

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through column 7, line 2); (b) receiving a purchase request of a first trading partner among said trading partners (column 6, line 31, through column 7, line 2); (c) automatically selecting at least one qualified trading partner among said trading partners based on said purchase request (column 6, line 31, through column 7, line 13); (d) generating a purchase order based on said purchase request and pricing information, without requiring direct communication between said first trading partner and said at least one qualified trading partner (ibid.; and column 7, lines 13-20); (e) forwarding said purchase order to at least one qualified trading partner; and (f) receiving a notification pertaining to said at least one qualified trading partner (column 9, lines 26-33). Silverman does not expressly disclose (g) automatically processing said notification, including forwarding said notification to the first trading partner, but Giovannoli (U.S. Patent 5,758,328) teaches (g) automatically processing notification, including forwarding notification to the first trading partner (column 5, line 58, through column 6, line 11).

Silverman does not disclose generating a purchase order without revealing the price information to the first trading partner, but Lupien (U.S. Patent 5,689,652) teaches a method of matching purchase requests to sellers, and automatically selecting at least one qualified trading partner without revealing pricing information of the at least one qualified trading partner to the first trading partner (Abstract; column 4, lines 6-26). However, Lupien teaches a satisfaction density profile that represents a degree of satisfaction to trade a particular instrument at various combinations of price and quantity. Lupien does not teach that the pricing information includes a fixed price

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provided by said at least one qualified trading partner. It is of course well known for pricing information to include a fixed price provided by a trading partner, but not in the context of a method for procurement where the pricing information is not revealed to the other trading partner. No prior art of record teaches this.

The above has been set forth with particular reference to claim 20, but claim 42 is closely parallel, reciting logic code for implementing the method steps of claim 20; claim 42 and its dependent claim 52 are therefore allowed on the same grounds.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 21-36 and 50 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Silverman et al. (U.S. Patent 5,136,501), discloses a system for providing highly automated procurement services, comprising: (a) a database initialized with information regarding a plurality of trading partners (column 3, lines 18-60): (1) said plurality of trading partners including customer and non-customer trading partners (buyers and sellers); (2) said information including trading relationship information and pricing information involving at least a customer trading partner and another of said trading partners (ibid.; also, column 6, line 31, through column 7, line 2); (b) a computer system coupled to communications devices of said plurality of trading partners via a set

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of connection networks (Abstract; Figure 1): (1) said computer system being coupled to said computer database (Abstract; Figure 1; column 2, lines 17-43); (2) said computer system being configured to receive a purchase request of a first trading partner among said trading partners (column 6, line 31, through column 7, line 2); (3) said computer system being configured to generate a purchase order based on said information and purchase request without requiring direct communication between said first trading partner and said at least one qualified trading partner (column 3, lines 18-60; column 6, line 31, through column 7, line 20); (4) the computer system being configured to forward said purchase order to at least one qualified trading partner selected from said trading partners based on said purchase request; (5) to receive a notification from said at least one qualified trading partner; and (6) to process said notification (column 9, lines 26-33). Silverman does not expressly disclose that the computer system is configured to perform steps (4), (5), and (6) automatically, but it is well known for computer systems to be configured to perform desired operations automatically.

Silverman does not disclose generating a purchase order without revealing the price information to the first trading partner, but Lupien (U.S. Patent 5,689,652) teaches a method of matching purchase requests to sellers, and automatically selecting at least one qualified trading partner without revealing pricing information of the at least one qualified trading partner to the first trading partner (Abstract; column 4, lines 6-26). However, Lupien teaches a satisfaction density profile that represents a degree of satisfaction to trade a particular instrument at various combinations of price and quantity. Lupien does not teach that the pricing information includes a fixed price

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provided by said at least one qualified trading partner. It is of course well known for pricing information to include a fixed price provided by a trading partner, but not in the context of a method for procurement where the pricing information is not revealed to the other trading partner. No prior art of record teaches this.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 43-47 and 53 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Silverman et al. (U.S. Patent 5,136,501), discloses a computer system for providing highly automated procurement services, comprising: (a) means for accessing a database initialized with information regarding a plurality of trading partners (column 3, lines 18-60): (1) said plurality of trading partners including customer and non-customer trading partners (buyers and sellers); (2) said information including trading relationship information and pricing information involving at least a customer trading partner and another of said trading partners (ibid.; also, column 6, line 31, through column 7, line 2); (b) means for receiving a purchase request of a first trading partner among said trading partners (column 6, line 31, through column 7, line 2); (c) means for automatically selecting at least one qualified trading partner among said trading partners based on said purchase request (column 6, line 31, through column 7,

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line 13); (d) means for generating a purchase order based on (1) a portion of said trading relationship information and pricing information pertaining to said at least one qualified partner; (2) said purchase request; (3) without requiring direct communication between said first trading partner and said at least one qualified trading partner (*ibid.*; and column 7, lines 13-20); (e) means for forwarding said purchase order to at least one qualified trading partner; and (f) means for receiving a notification pertaining to said at least one qualified trading partner (column 9, lines 26-33). Silverman does not expressly disclose (g) means for automatically processing said notification, including forwarding said notification to the first trading partner, but Giovannoli (U.S. Patent 5,758,328) teaches (g) automatically processing notification, including forwarding notification to the first trading partner (column 5, line 58, through column 6, line 11).

Silverman does not disclose generating a purchase order without revealing the price information to the first trading partner, but Lupien et al. (U.S. Patent 5,689,652) teaches a method of matching purchase requests to sellers, and automatically selecting at least one qualified trading partner without revealing pricing information of the at least one qualified trading partner to the first trading partner (Abstract; column 4, lines 6-26). However, Lupien teaches a satisfaction density profile that represents a degree of satisfaction to trade a particular instrument at various combinations of price and quantity. Lupien does not teach that the pricing information includes a fixed price provided by said at least one qualified trading partner. It is of course well known for pricing information to include a fixed price provided by a trading partner, but not in the

context of a method for procurement where the pricing information is not revealed to the other trading partner. No prior art of record teaches this.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith, can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas D. Rosen

**NICHOLAS D. ROSEN
PRIMARY EXAMINER**

February 16, 2007